

1
2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 KENNY HENDRIX,) No. C 10-5363 LHK (PR)
11)
12 Plaintiff,) ORDER OF TRANSFER
13)
14 vs.)
15)
16 UNKNOWN,)
17)
18 Defendant.)
19)
20)
21)
22)
23)
24)

25 Plaintiff, proceeding pro se, filed an affidavit on November 29, 2010.¹ Plaintiff appears
26 to be a pre-trial detainee challenging his ongoing criminal proceedings in Nevada state court.
27 Plaintiff is currently housed at Clark County Detention Center, in Las Vegas, Nevada, which lies
28 in the District of Nevada.

Section 2241 allows “the Supreme Court, any justice thereof, the district courts and any
circuit judge” to grant writs of habeas corpus “within their respective jurisdictions.” 28 U.S.C.
§ 2241(a). The Supreme Court held that personal jurisdiction over a federal habeas corpus

¹ A review of the affidavit and the attached documents reveals that Plaintiff is charged
with committing criminal acts against several minors. Plaintiff’s affidavit and the attached
documents include the minors’ full names without redaction. Out of an abundance of caution,
the Court sua sponte orders docket number 1 SEALED, pursuant to Federal Rule of Civil
Procedure 5.2(d).

1 petition lies exclusively in the single federal judicial district in which both the custodian of the
2 prisoner and the prisoner reside. *Ahrens v. Clark*, 335 U.S. 188, 190-91 (1948). Moreover, the
3 district of confinement most often is the most convenient forum to the parties, and therefore
4 federal courts often exercise discretion in transferring petitions to the district of confinement “in
5 the interests of justice” pursuant 28 U.S.C. § 1404(a). *See also Dunne v. Henman*, 875 F.2d 244,
6 249-50 (9th Cir. 1989) (suggesting that even where district court has personal jurisdiction over
7 custodian, preferred forum is district where petitioner is confined). Here, the District of Nevada
8 is the district in which both the custodian of the Plaintiff, and the Plaintiff reside.

9 Accordingly, this case is TRANSFERRED to the District Court of Nevada. *See* 28
10 U.S.C. § 1404(a). The Clerk shall terminate any pending motions and transfer the entire file to
11 the District of Nevada.

12 IT IS SO ORDERED.

13 DATED: _12/6/2010_____


14 LUCY H. KOH
United States District Judge